

## REMARKS

Claims 1-2, 4-10, 12-19 and 21-22 are patentable over Asakawa (U.S. 5,565,697) in view of Talwar (U.S. 6,300,208) under 35 U.S.C. 103(a). The combination of Asakawa and Talwar does not result in using a laser to activate source and drain regions using an energy absorbing layer, as required by all pending claims.

Talwar teaches using a laser to activate source and drain regions and requires an energy absorbing layer 12 over the conductive layer 9 (gate electrode). The Examiner contends that Talwar does not require the energy absorbing layer 12 and relies on column 1 of Talwar. (See page 6 of the Office Action.) But in column 1 (and column 2), Talwar teaches away from using a laser to activate the source and drain regions without a layer over the conductive layer. For example, Talwar teaches, "the fact that the gate region 7 extends higher than the source and drain regions 5, 6 causes the radiant energy to be partially blocked in those portions of the source and drain regions 5, 6 immediately adjacent the gate region 7." Talwar then further explains in the "Description of the Preferred Embodiments" that by forming an energy absorbing layer 12 over the conductive layer 9 allows one to use a laser to activate the source and drain regions. Therefore, Talwar requires the layer over the conductive layer to be present. In addition, Talwar teaches away from using a laser to activate the source and drain regions without the layer over the conductive layer. Thus, any combination of Talwar and another prior art requires an energy absorbing layer 12 over the conductive layer 9.

Thus, when combining the teachings of Asakawa and Talwar, an energy absorbing layer must be present over the conductive layer. Assuming *arguendo*, Asakawa teaches another energy absorbing layer under the source and drain regions. Thus, when combining the teaching of Talwar with Asakawa the resulting structure will include an underlying first energy absorbing layer, source and drain regions over the first energy absorbing layer and a second energy absorbing layer over a conductor. When a laser is applied to activate the source/drain regions Talwar's energy absorbing layer on top of the conductor will absorb the heat and be used to activate the source/drain region. Thus, Asakawa's energy absorbing layer under the source/drain regions will not absorb energy or heat the source/drain regions because the presence of the second energy absorbing layer will absorb the energy first. In other words, the presence of Talwar's energy absorbing layer will destroy the functionality of Asakawa's energy absorbing

layer because the Asakawa's energy absorbing layer is inhibited from being able to heat the source/drain regions due to the presence of Talwar's energy absorbing layer.

Respectfully submitted,

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